

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

INTELLECTUAL VENTURES I LLC, <i>et al.</i> ,)	
)	
<i>Plaintiffs</i>)	
)	
v.)	Case No. 1:13cv740
)	(AJT/TCB)
CAPITAL ONE FINANCIAL CORP., <i>et al.</i> ,)	
)	
<i>Defendants</i>)	

**PLAINTIFFS' RESPONSE
TO DEFENDANTS' NOTICE OF ADDITIONAL AUTHORITY**

Plaintiffs filed a motion to bifurcate antitrust and patent issues for separate trials and for a stay of the antitrust discovery (Doc. 112). The motion was fully briefed (Doc. 113, 124 & 132), but then “postponed” without oral argument, pending the Court’s ruling on Plaintiffs’ motion to dismiss the antitrust claims and defenses (Doc. 134, *Minute Entry*). After the hearing, and without notice to Plaintiffs or leave from the Court, Defendants filed a “Notice of Additional Authority,” attaching a recent, unpublished decision from another District Court and identifying that decision as “additional authority relevant” to the bifurcation and stay motion (Doc. 140 & 140-1). That filing violates Local Civil Rule 7(F) regarding briefing. *See LG Electronics Inc. v. Advance Creative Computer Corp.*, 131 F. Supp. 2d 804, 808-09 (E.D. Va. 2001) (after briefing has closed, parties are not permitted to make “supplemental submissions” to the Court without leave; *held*, supplemental filings are stricken). Plaintiffs respectfully submit that the Court should strike and not consider Defendants’ supplemental submission.

If the Court deems it appropriate to accept and consider Defendants’ “Notice of Additional Authority,” however, then Plaintiffs respectfully request the opportunity to briefly respond to that additional authority.

Dated: November 21, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2013, I filed the foregoing pleading or paper through the Court's CM/ECF system which sent a notice of electronic filing to the following attorneys for defendants:

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